

REMARKS

In response to the Office Action mailed June 7, 2004, Applicants respectfully requests reconsideration. To further the prosecution of this Application, Applicants submit the following remarks. The claims as now presented are believed to be in allowable condition.

Claims 1-12 were pending in this application. Claims 1, 5, and 7 are herein amended. Claims 1 and 7 are independent claims.

Applicants appreciate the courtesy extended Applicant's representative during a phone call on July 29, 2004 wherein the application and claim language was discussed. The claims have been amended in accordance with the discussion with the Examiner.

The Examiner objected to the drawing. As discussed with the Examiner, submitted herewith is a formal drawing. Please replace Figure 1 as originally filed with the Formal Figure 1 included herewith. Applicants submit that no new matter has been added in the formal drawing. Accordingly, the objection to the drawing is believed to have been overcome.

The Examiner stated that the use of the term "non-deterministic" is ambiguous as used in this context. Accordingly, as discussed with the Examiner, Applicant has amended the title and the claims to use the term "dynamic" in place of non-deterministic, as this more precisely describes the present invention. In the specification the terms "non-deterministic" and the term "dynamic" are used to refer to the same general concept. Accordingly, the objection to the term non-deterministic in the claims is believed to have been overcome.

The Examiner rejected claims 1-12 under 35 U.S.C. §112, first paragraph. As discussed with the Examiner, claims 1 and 7 have been amended to recite that the present method and computer program product are for generating test scripts, and further to include the step of aggregating the test code provided for testing deterministic behavior and also the test code generated for testing dynamic behavior into the test script. Claims 2-6 and 8-12 depend from claims 1 or 7 and therefore include the limitations claim 1 or 7 therein. Accordingly, the rejection of claims 1-12 under 35 U.S.C. §112, first paragraph, is believed to have been overcome.

The Examiner rejected claims 1-4, 6-10 and 12 under 35 U.S.C. §102(e) as being anticipated by Template Software Process Template, Using the WFT Development Environment reference (hereinafter WFT). WFT discloses a method for building a model of a workflow system for simulating operation of the workflow system. WFT does not disclose a method of generating test scripts.

In contrast to WFT, amended claims 1 and 7 disclose a method and computer program product which generates test scripts for testing a system, such as an IVR system. By way of the present invention, test scripts are generated for testing deterministic behavior of an application and for testing dynamic behavior of the application. The generated test script can be used to test an actual system. Therefore, since claims 1 and 7 disclose a method and computer program product for generating test scripts which are used to test a system and not a method of modeling a work flow system, claims 1 and 7 are believed allowable over WFT. Claims 2-4, 6, 8-10 and 12 depend from claims 1 or 7 and are also believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 1-4, 6-10 and 12 under 35 U.S.C. § 102(e) is believed to have been overcome.

The Examiner rejected claims 5 and 11 under 35 U.S.C. §102(e) as being anticipated by WFT in view of U.S. Patent No. 6,321,198 to Hank et al. (hereinafter Hank). Claims 5 and 11 depend from amended claims 1 and 7 and are believed allowable as they depend from a base claim which is believed allowable.

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time, which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check; please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

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